

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TENNESSEE

In re:

LISA ANNE JONES

Debtor

No. 94-14134
Chapter 7

MEMORANDUM OPINION

The debtor filed a motion to avoid the non-possessory, non-purchase money security interest of Allied Credit ("the Creditor") pursuant to 11 U.S.C. § 522(f) and Bankruptcy Rule 4003. The property is debtor's jewelry.

The debtor's original schedule of exemptions did not list the jewelry. Approximately four months after the chapter 7 petition was filed, the debtor filed an amended schedule of exemptions adding the jewelry as a separate item having an estimated value of \$1,000.00. The Creditor did not object to the amendment to the schedule of exemptions. The debtor then filed the present motion.

The Creditor opposes the motion on the basis that the motion is not timely and that the value of the property is in excess of that allowed by TENN. CODE ANN. § 26-2-102.

Generally, an amendment to the schedule of exemptions may be filed as a matter of course at any time before the case is closed. *Lucius v. McLemore*, 741 F.2d 125 (6th Cir. 1984). The Creditor did not object to the estimated value listed on the amendment to the schedule of exemptions as permitted by Bankruptcy Rule 4003(b). The value of the

property combined with the stated values of other property exempted on the debtor's original schedule of exemptions does not exceed the amount allowed under TENN. CODE ANN. § 26-2-102. Accordingly, the arguments of the creditor must be rejected, and the debtor shall be allowed to avoid the lien of Allied Credit on her jewelry.

The foregoing constitutes findings of fact and conclusions of law as required by Fed. R. Bankr. P. 7052. An appropriate order shall be entered.

At Chattanooga, Tennessee.

BY THE COURT

R. THOMAS STINNETT
UNITED STATES BANKRUPTCY JUDGE

(Entered 10/17/95)

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ORDER

For the reasons stated in a Memorandum Opinion filed contemporaneously
herewith,

It is ORDERED that the debtor's motion to avoid lien is granted and the
security interest and lien in favor of Allied Credit in jewelry of the debtor is hereby avoided.

ENTER:

BY THE COURT

R. THOMAS STINNETT
U.S. BANKRUPTCY JUDGE

(Entered 10/17/95)